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UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION
SOUTHERN DIVISION

TEXAS HANDBOOK

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1940 Agricultural Conservation Program



Issued January 1940

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FOREWORD

The 1940 Agricultural Conservation Program in Texas is a continuation of the conservation program which has been in effect for the last four years, with some new provisions to make the program more effective.

As in the past programs, the objectives of the 1940 program are:

(1) To help farmers get and maintain a fair share of the national income.

(2) To protect the interests of consumers by providing for ample supplies of food, feed, fiber, and other agricultural products at prices that are fair to both consumers and producers.

(3) To guarantee, as nearly as possible, continued ample supplies of agricultural products by conserving and rebuilding national soil resources through the adjustment of soil-depleting crop acreages and widespread use of soil-building practices.

(4) To improve the living conditions of farm people by increasing the production of food and feed crops for home use.

To approach these objectives, national, State, county, and farm allotments for major soil-depleting cash crops are determined and payments are made for planting within these farm allotments. Assistance is also provided for carrying out soil-building practices which could not otherwise be carried out. The purpose of these allotments is to help farmers to maintain the nation's supply of farm products more nearly in line with demand and to more nearly stabilize income at the parity level than would be the case if there were no orderly and balanced system of production and marketing of these products.

TEXAS HANDBOOK

1940 Agricultural Conservation Program

Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, issued by the Secretary of Agriculture, and the authority vested thereby in the Agricultural Adjustment Administration, payments and materials as grants of aid will be made for participation in Texas in the 1940 program, in accordance with the provisions of said bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions in this handbook (except section 12 B) are applicable only to farms in Texas but such provisions are not applicable to lands owned by the United States and administered by the Forest Service of the United States Department of Agriculture, United States Soil Conservation Service, United States Bureau of Agricultural Economics, Bureau of Biological Survey, or any other lands in which the United States has acquired the beneficial ownership for the primary purpose of effecting the conservation of such land and with a view to retaining it permanently under Government ownership. Therefore, no payment may be made to any producer under the 1940 program with respect to lands owned by these governmental agencies. The provisions of this handbook are also not applicable to farms in Dallam, Deaf Smith, Hansford, Hartley, Moore, Oldham, and Sherman Counties for which special agricultural conservation programs are approved for 1940 by the Secretary.

The 1940 program is effective for the period beginning January 1, 1940, and ending November 30, 1940, in all counties except Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, McMullen, Starr, Willacy, and Zapata. In the counties listed the program is effective for the period beginning January 1, 1940, and ending October 31, 1940. However, the acreages of commercial vegetables will be counted on a 12-month basis beginning November 1, 1939, for the counties listed and January 1, 1940, for all other counties.

Section 1. COTTON

A. Farm Allotments. The same method used in establishing cotton allotments for 1939 will be used in 1940. The cotton allotment for each farm is a fixed percentage—uniform for the county or administrative area—of the farm's cropland, excluding the acreage normally devoted to the commercial production of wheat and rice, with certain exceptions and special provisions, as follows:

(1) Farms for which the allotment would otherwise be 5 acres or less will have an allotment of the smaller of 5 acres or the highest cotton acreage planted and diverted in 1937, 1938, or 1939.

(2) Regardless of other provisions, no allotment will be less than 50 percent of the 1937 planted and diverted cotton acreage, provided that no allotment is thereby increased to more than 40 percent of the farm's cropland.

(3) A small reserve may be allotted to farms that would otherwise have an allotment of 5 acres or more.

(4) No allotment determined under the above will be larger than the highest cotton acreage planted and diverted in any of the past 3 years.

(5) A small reserve may be available from any "frozen" cotton allotments released by operators to be used to increase allotments that are inadequate and not representative.

(6) A small acreage reserve is available for "new" cotton farms; that is, farms on which cotton is planted in 1940 for the first time since January 1, 1937.

B. Farm Normal Yields. The county committee, with the assistance of other local committees, shall determine a normal cotton yield for each farm having a cotton allotment.

(1) The normal yield shall be the actual average yield of cotton per acre for the 5 years 1935 to 1939, inclusive, adjusted for abnormal weather conditions, if reliable records of the actual average of such yields are presented by the producer or are available to the committee.

(2) If for any year of such 5-year period records of the actual average yield are not available or there was no actual yield because cotton was not planted on the farm in such year, the normal yield for the farm shall be the yield which the county committee determines to be the average yield which was or could reasonably have been expected on the farm for such 5-year period on the basis of all available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for all farms in the county or administrative area will not exceed the normal yield established for the county or administrative area.

C. Payments. The payment is **1.6 cents** for each pound of the normal yield for each acre in the cotton allotment. If the acreage planted to cotton is in excess of the allotment, there will be a deduction at the rate of **4 cents** for each pound of the normal yield of the excess acres. **Any person who knowingly plants, or causes or permits the planting of, cotton on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment on that farm or any other farm under the 1940 program.**

D. Acreage Planted to Cotton means the acreage seeded to cotton, the staple of which is normally less than $1\frac{1}{2}$ inches in length, which reaches the stage of growth at which bolls are first formed.

Section 2. WHEAT

A. Farm Allotments. (1) The county committee, with the assistance of other local committees, shall determine allotments for farms on which wheat was planted for harvest in one or more of the years 1937, 1938, or 1939, on the basis of tillable acreage and crop-rotation practices, as reflected in the usual acreage of wheat on the farm, or the ratio of wheat acreage to cropland in the community or in the county, and on the basis of the type of soil and topography. The allot-

ments for all farms in the same community which are similar with respect to such factors shall be comparable.

(2) Not more than 3 percent of the county allotment shall be apportioned to farms on which wheat was not planted for harvest in any of the years 1937, 1938, or 1939, but on which wheat is planted for harvest in 1940. This apportionment shall be made on the basis of tillable acreage, crop-rotation practices, type of soil, and topography. The allotments for all farms in the same community which are similar with respect to such factors shall be comparable.

B. Non-Wheat-Allotment Farm means (1) a farm for which a wheat allotment is determined and the persons having an interest in the wheat planted on the farm elect on or before October 1, 1939, or within 15 days after notice of the allotment is mailed to the operator, to have such farm considered as a non-wheat-allotment farm, or (2) a farm which is owned or controlled by a conservation district, an association organized for conservation purposes, or any governmental agency authorized by State law to own or lease land for conservation purposes.

C. Farm Normal Yields. The county committee, with the assistance of other local committees, shall determine a normal wheat yield for each farm having a wheat allotment and for each non-wheat-allotment farm on which the wheat acreage for harvest in 1940 is in excess of 10 acres.

(1) The normal yield shall be the actual average yield of wheat per acre for the 10 years 1929 to 1938, inclusive, adjusted for trends in yields and abnormal weather conditions, if reliable records of the actual average of such yields are presented by the producer or are available to the committee.

(2) If for any year of such 10-year period reliable records of the actual yield are not available or there was no actual yield because wheat was not planted on the farm in such year, the normal yield for the farm shall be the yield which the county committee determines was or could reasonably have been expected on the farm for such 10-year period on the basis of all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for all farms in the county will not exceed the normal yield established for the county.

D. Payments. For a wheat-allotment farm, the payment is 9 cents for each bushel of the normal yield for each acre in the wheat allotment. There shall be a deduction at the rate of 50 cents for each bushel of the normal yield of the acreage planted to wheat in excess of the allotment.

For a non-wheat-allotment farm, a deduction shall be computed on the above basis for each acre of wheat harvested for any purpose after reaching maturity in excess of the larger of the allotment or 10 acres.

E. Acreage Planted to Wheat means (1) any acreage seeded to wheat (except when it is seeded in a mixture containing less than 50 percent by weight of wheat, or containing 25 percent or more by

weight of rye, barley, vetch, or Austrian winter peas, and the seeding mixture may reasonably be expected to produce a crop that could not be harvested as wheat for grain or seed); (2) any acreage of volunteer wheat which remains on the land after May 1, 1940; and (3) any acreage seeded to a mixture designated under (1) above and the wheat matures, but the other crops fail to mature.

Section 3. RICE

A. Allotments. (1) The county committee, with the assistance of other local committees and the approval of the State committee, shall determine a rice allotment for each farm tilled by a producer who is participating in the production of rice in 1940 and who participated in the production of rice in one or more of the 5 years 1935-1939 on the basis of the past production of rice adjusted to the acreage adapted to the production of rice on the land he will operate in 1940, taking into consideration crop-rotation practices, soil fertility, the acreage diverted under previous agricultural adjustment or conservation programs, and other physical factors affecting the production of rice, including the labor and equipment available for the production of rice on the farm.

(2) An acreage not to exceed 3 percent of the State allotment shall be apportioned to farms tilled by producers who are participating in the production of rice in 1940 for the first time since January 1, 1935, on the basis of the applicable standards of apportionment set forth in paragraph (1), except that the allotment for any farm operated by any person(s) who is participating in the production of rice in 1940 for the first time since January 1, 1935, shall not exceed 75 percent of the allotment which would have been made to the farm had such person(s) participated in the production of rice in one or more of the 5 years 1935-1939.

B. Farm Normal Yields. The State and county committees, with the assistance of other local committees, shall determine a normal rice yield for each farm having a rice allotment.

(1) The normal yield of rice for the farm shall be the actual average yield of rice per acre for the 5 years 1935-1939, if reliable records of the actual average of such yields are presented by the producer or are available to the committee.

(2) If for any year of such 5-year period records of the actual yield are not available or there was no actual yield because rice was not planted on the farm in such year, the county committee shall ascertain from all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the yield which was or could reasonably have been expected on the farm for such year, and the yield so determined shall be used as the actual yield for such year under paragraph (1) of this subsection.

(3) If the average of the normal yields for all farms participating in the 1940 program in the State (weighted by the allotments) exceeds the average yield per acre for the State during the 5 years 1935-1939 established by the Secretary, the normal yields for such farms, determined under paragraphs (1) and (2) of this subsection, shall be reduced pro rata so that the average of such normal yields will not exceed the State average yield.

C. Payments. The payment is **6.5 cents** for each 100 pounds of the normal yield for each acre in the rice allotment. If the acreage planted to rice is in excess of the rice allotment, there shall be a deduction at the rate of **65 cents** for each 100 pounds of the normal yield of the excess acres.

Section 4. PEANUTS

A. Farm allotments. The county committee, with the assistance of other local committees, shall establish peanut allotments on the basis of the acreage of peanuts for market customarily grown and the tillable acreage on the farm, taking into consideration other special allotments established for the farm.

B. Farm Normal Yields. The county committee, with the assistance of other local committees, shall determine a normal yield of peanuts for each farm having a peanut allotment. The normal yield shall be determined on the basis of the yields of peanuts made on the farm, with due consideration for type of soil, production practices, and general fertility of the land. The average yield for **all** farms in any county shall not exceed the average yield of peanuts established for the county.

C. Payments. The payment is **12½ cents** for each 100 pounds of the normal yield for each acre in the peanut allotment. If the acreage of peanuts for market is in excess of the allotment, there shall be a deduction at the rate of **\$1.50** for each 100 pounds of the normal yield of the excess acreage.

D. Peanuts for Market means all peanuts harvested for nuts on a farm on which peanuts are separated from the vines by mechanical means and from which the principal part of the production is sold to persons not living on the farm.

Section 5. COMMERCIAL VEGETABLES

A. Farm Allotments. In the commercial vegetable counties designated in subsection C, a vegetable allotment shall be determined by the county committee, with the assistance of other local committees, for each farm on which the average acreage of land normally planted to commercial vegetables is 3 acres or more. The vegetable allotment shall be determined on the basis of the 1936–1937 average acreage or the average of a later period adjusted to the 1936–1937 level, with adjustments for abnormal weather conditions, taking into consideration the tillable acreage on the farm, type of soil, production facilities, crop-rotation practices, and changes in farming practices.

B. Payments. The payment is **\$1.50** for each acre in the vegetable allotment. There shall be a deduction for farms in commercial vegetable counties of **\$20** for each acre of land planted to commercial vegetables in excess of the larger of the allotment or 3 acres.

C. Commercial Vegetable Counties are as follows:

Atascosa, Bee, Bexar, Brooks, Cameron, Cherokee, Collin, Dallas, Dimmit, Duval, Ellis, Fannin, Fort Bend, Frio, Galveston, Harris, Henderson, Hidalgo, Hunt, Jim Wells, Karnes, Kaufman, Kleberg, LaSalle, Limestone, Live Oak, Maverick, Medina, Navarro, Nueces,

Refugio, Rockwall, San Patricio, Smith, Tarrant, Van Zandt, Webb, Wharton, Willacy, Wilson, and Zavala.

D. Commercial Vegetables means the acreage of annual vegetables or truck crops (including potatoes, sweetpotatoes other than for starch, tomatoes, sweet corn, cantaloupes, annual strawberries, commercial bulbs and flowers, but excluding watermelons, peas for canning or freezing, and sweet corn for canning) of which the principal part of the production is sold to persons not living on the farm.

Section 6. TOTAL SOIL-DEPLETING CROPS

A. Farm Allotments. The county committee, with the assistance of other local committees, shall determine a total soil-depleting allotment for each farm. The allotment shall be determined on the basis of good soil management, tillable acreage, type of soil, topography, degree of erosion, and the acreage of all soil-depleting crops customarily grown on the farm, taking into consideration special allotments. The allotments shall be comparable for all farms in the same community which are similar with respect to the above factors.

B. Farm Productivity Indexes. The county committee, with the assistance of other local committees, shall determine a productivity index for each farm participating in the program. Such productivity index shall be based upon the normal yield per acre for the farm of the principal soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the principal soil-depleting crops in the county does not accurately reflect the productivity of a farm, the yield of a crop that does reflect the productivity index for such farm may be used, provided that the productivity index for such farm shall be adjusted, if necessary, so as to be fair and equitable as compared with the productivity indexes for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils or productive capacity. The average productivity index for **all** farms in the county shall not exceed 100, unless it is determined that farms for which such indexes are established are not representative of all farms in the county and a variation from 100 is approved by the Administrator.

C. Payments. The rate of payment for general-allotment farms is the county rate per acre,¹ adjusted for productivity, for each acre in the total soil-depleting allotment in excess of the sum of (1) the special crop allotments for which payments are computed and (2) the acreage of sugar beets for sugar planted on the farm for harvest in 1940. For general-allotment farms, there shall be a deduction at the county rate,¹ adjusted for productivity, for the soil-depleting acreage in excess of the sum of (1) the total allotment and (2) the acreage for which deductions are computed with respect to special crops. For non-general-allotment farms, there shall be a deduction on the above basis for the soil-depleting acreage in excess of the sum of (1) 20 acres, (2) the cotton allotment for the farm, and (3) the acreage for which deductions are computed with respect to special crops.

¹ The average rate of payment per acre for general crops in the United States is \$1.10 per acre and the average rate of deduction is \$8 per acre. The Secretary will establish for each county a rate of payment and deduction per acre.

D. Non-General-Allotment Farm means a farm for which a total soil-depleting allotment (excluding the cotton allotment) of 20 acres or less is determined and the persons having an interest in the general crops planted on the farm elect prior to March 31, 1940, to have such farm considered as a non-general-allotment farm.

E. General Soil-Depleting Crops or General Crops means (1) all crops and land uses listed in the definition of "soil-depleting acreage," except special crops for which a separate payment or deduction is computed for the farm, (2) wheat on a non-wheat-allotment farm, and (3) sugar beets for sugar.

Section 7. RESTORATION LAND

A. Farm Restoration Land. Restoration land shall be designated by the county committee, with the assistance of other local committees, on the basis of the land in the farm which was designated as restoration land under the 1938 or 1939 program and any additional land in the farm which has been cropped at least once since January 1, 1930, but on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored; provided, that new restoration land shall be designated only on a farm which is operated by the owner or where such designation has been approved by the owner in the case of a tenant-operated farm. Restoration land may be designated in the following counties:

Hutchinson, Lipscomb, and Ochiltree.

The county committee shall designate practices to be carried out on restoration land which it determines to be in need of additional practices. With the approval of the State committee, land improperly designated as restoration land under the 1938 or 1939 program may be restored to its former cropland status when offset by an equal acreage of land in the county which is properly designated in 1940 as restoration land.

B. Payments. The payment is **15 cents** for each acre of restoration land on the farm.

C. Deductions. There shall be a deduction of **\$3** for each acre of restoration land which is plowed or tilled in 1940 for any purpose other than tillage necessary to prevent erosion or tillage operations in connection with the seeding of an approved non-depleting cover crop or permanent grass mixture.

Section 8. MISCELLANEOUS DEDUCTIONS

A. Failure to Prevent Wind and Water Erosion. There shall be a deduction of **\$1** for each acre of land in the farm which is subject to serious wind and water erosion and on which approved measures for the prevention of wind and water erosion are not adopted in 1940. Applicable in the following counties:

Carson, Castro, Gray, Hemphill, Hutchinson, Lipscomb, Ochiltree, Parmer, Potter, Randall, Roberts, and Wheeler.

B. Breaking Out Native Sod. There shall be a deduction of **\$3** for each acre of native sod or any other land on which a permanent vegetative cover has been established which is broken out during the

period January 1, 1940, to November 30, 1940, inclusive, unless the breaking out of such land is approved by the county committee as a good farming practice and an equal acreage of cropland on the same farm is restored to permanent vegetative cover, such cropland to be in addition to that designated as restoration land. Applicable only in the following counties:

Hutchinson, Lipscomb, and Ochiltree.

Section 9. SOIL-BUILDING GOALS, PAYMENTS, AND PRACTICES

A. National Goal. The 1940 national soil-building goal shall be the conservation of cropland not required in 1940 for the growing of soil-depleting crops, the restoration, insofar as practicable, of a permanent vegetative cover on land unsuited to the continued production of cultivated crops, and the carrying out of soil-building practices that will conserve and improve soil fertility and prevent wind and water erosion.

B. County Goals. Insofar as practicable, county goals shall be established, with the approval of the State committee, for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to conserve and improve soil fertility and to prevent wind and water erosion. Payment will not be made in connection with any practice not included in the county goal.

C. Farm Goals. The soil-building goal for any farm shall be one unit of soil-building practices for each \$1.50 computed for the farm under subsection D of this section, except that for any farm in the following counties which is owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation or erosion-control purposes, the soil-building goal shall not be less than one unit for each \$2 of the total payment for such farm and the total payment for such farm shall be considered as a payment in connection with soil-building practices:

Carson, Castro, Gray, Hemphill, Hutchinson, Lipscomb, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, and Wheeler.

The farm goal shall represent the number of units of applicable soil-building practices to be carried out. Insofar as practicable, the county committee shall determine what practices are to be carried out in meeting the goal. The county committee may specify for any farm in the county the practices for which, if carried out according to specifications, credit will be given toward meeting the farm goal. Practices to be included in the goal shall be those most needed to conserve and improve soil fertility and to prevent wind and water erosion and should not be routine farming practices.

D. Payments. The maximum payment which is available as assistance for carrying out soil-building practices is the sum of the following, except that if the sum of the maximum payments computed for any farm with respect to acreage allotments, restoration land, and under items (1) to (6), inclusive, of this subsection is less than \$20,

the maximum payment available as soil-building assistance shall be increased by the amount of the difference:

(1) **55 cents** for each acre of cropland in excess of the total soil-depleting allotment for the farm;

(2) **70 cents** for each acre in the vegetable allotment;

(3) **\$1.50** for each acre of commercial orchards and perennial vegetables on the farm on January 1, 1940;

(4) For non-crop open pasture land in the farm:

(a) **12 cents** per acre in the following counties and in all counties lying east of the counties named: Bee, Bell, Comal, Cooke, Denton, Gonzales, Guadalupe, Hays, Hill, Johnson, Karnes, Kleberg, McLennan, Nueces, San Patricio, Tarrant, Travis, and Williamson.

(b) **11 cents** per acre in the following counties: Bandera, Bexar, Blanco, Concho, Edwards, Gillespie, Kendall, Kerr, Kimble, Llano, McCulloch, Mason, Medina, Menard, Real, Schleicher, Sutton, Tom Green, and Wilson.

(c) **10 cents** per acre in all counties other than those named in (a) and (b) above.

(5) For non-general-allotment farms, the county rate per acre, adjusted for productivity, for each acre in the total allotment in excess of the sum of (i) the special crop allotments for which payments are computed and (ii) the acreage of sugar beets for sugar planted for harvest in 1940:

(6) **45 cents** for each acre of restoration land designated on the farm;

(7) **\$1.50** for each unit of credit for planting forest trees in accordance with practice 28, not to exceed \$30.

For each unit by which the soil-building goal is not reached, \$1.50 will be deducted from the maximum soil-building assistance, except that if the soil-building goal was computed at the \$2 rate under subsection C of this section, the rate of deduction shall be \$2 for each unit.

E. Soil-Building Practices. The soil-building practices listed below, if included in the soil-building goal and if not disapproved by the county committee for the particular farm, shall count toward reaching soil-building goals, to the extent indicated, when they are carried out during the 1940 program year² in accordance with specifications shown following each practice.

In cases where practices are carried out wholly or in part (the part representing one-half or more) with labor, seed, trees, or materials furnished by any State or Federal agency other than the AAA, such practices shall not be counted toward reaching the goal. If the part of the factors so furnished represents less than one-half, one-half of such practices shall be counted, except that when such factors are furnished to a State, a political subdivision of a State, or an agency thereof by an agency of the same State, they shall not be considered to have been furnished by a State agency.

Full credit for reaching the goal will be given for any of the practices listed in the following schedule which are carried out under the Department's water facilities program if the entire cost of labor, materials, and equipment used in carrying out such practices is paid

² January 1, 1940, to October 31, 1940, inclusive, for Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, McMullen, Starr, Willacy, and Zapata Counties, and January 1, 1940, to November 30, 1940, for all other counties.

by the owner or operator or covered by a loan agreement executed by him. If one-half or more of such cost is paid by the owner or operator or covered by a loan agreement executed by him, one-half credit will be given; if less than one-half, no credit will be given.

Wind-erosion-control practices and restoration land measures carried out with the use of equipment furnished by the Soil Conservation Service on land owned or leased by a conservation district, conservation association organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation purposes, shall not (by virtue of the use of such equipment) be deemed to be paid for in whole or in part by a State or Federal agency.

EROSION CONTROL

1. Construction of standard terraces for which proper outlets are provided—200 feet, 1 unit (75 cents per 100 feet).

Terraces to be approved for payment: (a) Must not exceed a fall of 4 inches per 100 feet along the terrace line (level terraces preferred where adaptable, particularly on land having very little slope in low rainfall areas).

(b) Must have fills in terrace line across gullies built up to normal level for the terrace ridge.

(c) Must equal or exceed the height and width specifications and must not be spaced further apart than the maximum widths indicated in the following table.

(d) The outlet ends of all terrace channels shall be protected by means of sodded channels, rock riprap, or other mechanical devices to prevent erosion of the terrace channel. Any terraces which are not properly protected will not be accepted under this practice.

Slope of land in feet per 100 feet ¹	Minimum height—top of terrace above upper channel		Minimum width from low point in terrace channel to center top of terrace ²		Recommended average distance between terraces ³
	New terrace before ledges are plowed in	Plowed-in settled terrace	New terrace before ledges are plowed in	Plowed-in settled terrace	
	<i>Inches</i>	<i>Inches</i>	<i>Feet</i>	<i>Feet</i>	<i>Feet</i>
½ or less -----	15	10	11	9	210
1 -----	16	11	11	9	150
2 -----	18	12	10	8	100
3 -----	18	12	10	8	83
4 -----	19	12½	10	8	75
5 -----	19	12½	9	7	70
6 -----	20	13	9	7	67
7 -----	20	13	9	7	64
8 or more -----	21	14	8	6	62

¹ Over ½ foot in vertical fall will be considered as 1 foot. Maximum slope on which terraces will be approved will be determined by the State committee.

² On slopes in excess of 3 percent, the minimum width specification may be disregarded, provided the area of the cross section of the terrace equals or exceeds that of a terrace constructed in accordance with minimum width specifications. The width of the lower side of terrace shall, in all cases, be at least ¾ the width of the upper side of terrace, as indicated.

³ This recommended average distance, which is the horizontal spacing between terraces, must not be exceeded by more than 30 percent.

2. Contour ridging of non-crop open pasture land—1,000 feet, 1 unit (15 cents per 100 feet).

Ridges or narrow terraces must be at least 3 feet wide from the low point in upper or lower channel to the top of the ridge, at least 15 inches high above

the low point in the upper channel, and spaced not more than one-third of the maximum terrace interval, as provided under practice 1. Ridges may be pushed from either the upper or the lower side or from both sides. Ridges must not empty directly into gullies but should be blocked at the ends or turned uphill before crossing gullies. Guide lines shall be established for each ridge.

3. Construction of reservoirs and dams—10 cubic yards material moved, 1 unit (15 cents per yard).

Before a reservoir or dam is constructed under this practice, it must be determined by the county committee that such reservoir or dam will be an efficient means of preventing erosion.

The site for the reservoir or dam shall be inspected and if the dam to be constructed will be 8 feet or more in height or will consist of approximately 300 cubic yards or more of earth, or in all cases where the surface of the ground on which the dam is to be built is extremely irregular, a preliminary survey shall be made before construction is started. At least one bench mark shall be established far enough from the dam so that it will not be disturbed during construction. All measurements and elevation readings shall be made from this reference point. Along the lengthwise contour line of the dam a minimum of three stakes shall be set, one at either end of the proposed dam and one at the lowest point of the stream bed. Additional stakes shall be set at all points where there is a break in the slope of the land. The location and elevation of each stake with reference to the established bench mark shall be properly measured and recorded. If the surface of the ground on which the dam is to be built is irregular, additional stakes should be set along the outline of the base at right angles to the lengthwise center line and spaced so that they will be in line with the main center line stakes. The location and elevation of these stakes must likewise be recorded.

To reduce seepage, a trench at least 4 feet wide shall be dug along the center line of the dam deep enough to reach a reasonably impervious subsoil. This trench should be filled with the most impervious soil readily available at or near the dam site and should form the base of a core of this same material which should be carried to a height equal to the normal water level in the completed dam. Where it is thought desirable, the entire base of the dam should be scarified to insure better bonding of the fill with the base of the dam. Where dams are built across gullies with steep banks, these banks should be sloped to form a trench for better bonding with the fill.

To be eligible for approval, dams and spillways shall be adequate. No dam shall be approved unless the top is at least 3 feet wide and is at least 3 feet higher than the floor of the spillway. The downstream slope of the dam should not be less than 1:1 (i. e., one foot horizontal to one foot vertical) but need not be greater than 2:1 regardless of the size and height of the dam. On small dams (7 feet high or less) or on large dams or where there will be considerable wave action, upstream slopes should be at least 3:1 but may be $1\frac{1}{2}$:1. The top width of the dam will be increased in accordance with the height of the dam, the size of the drainage area, the capacity of the spillway, and other local conditions. For dams ten feet in height, the top must have a minimum width of five feet.

The cross sectional area of the spillway shall be at least twice the cross sectional area of the stream at its highest flood stage in the past. The top of the dam shall be not less than three feet above the floor of the spillway and this distance shall be increased sufficiently to insure water not running over the dam during floods. Unless the spillway is naturally protected from damaging erosion, such protection must be provided. The end of the dam shall be rippapped if it forms a part of the spillway.

Earth used in the construction of the dam or excavated in the spillway (unless such excavated earth is used in the dam) shall be measured and its volume computed. The completed dam shall not be approved unless it is considered adequate and has adequate spillway facilities. The gross volume of earth used in the construction of the dam shall be reduced by 10 percent to compensate for shrinkage and settling before being certified for payment.

Further helpful information regarding the construction of reservoirs and dams may be found in Texas Extension Circular No. MS-355.

4. Construction of ditches for the diversion of floodwater or well water on restoration land, cropland, pasture land, or hay land—**300 linear feet, 1 unit (50 cents per 100 feet).**

Ditches must have a depth of 1 foot and a width of 4 feet, or the cubic equivalent thereof. This practice is applicable in the following counties and all other counties lying west of these counties:

Clay, Jack, Palo Pinto, Erath, Hamilton, Lampasas, Burnet, Blanco, Kendall, Bandera, Medina, Atascosa, Live Oak, Jim Wells, and Kleberg.

5. Leaving stalks of sorghums, broomcorn, and Sudan grass on the land as a protection against wind erosion—**4 acres, 1 unit (37½ cents per acre).**

The stalks must be at least 10 inches in height. This practice is applicable only on farms where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that the cover will be left on the land until the spring of 1941. This practice will apply in Hutchinson, Lipscomb, and Ochiltree counties.

6. Contour listing, subsoiling (chiseling), or furrowing non-crop land—**4 acres, 1 unit (37½ cents per acre).**

The furrow channels must be not less than 8 inches wide and 4 inches deep and not less than 3 feet apart, or if subsoiled (chiseled) not less than 3 inches wide and 6 inches deep. If the furrows are 8¼ feet (one-half rod) or less apart, the actual acreage of land furrowed will count under this practice. If furrows are over 8¼ feet apart, the acreage of the practice will be computed on the basis of the acreage occupied by the furrows, each furrow being considered to occupy a strip 8¼ feet wide. Guide lines for lister furrows must be set up at not to exceed one-half the terrace interval specified in practice 1.

7. Stripcropping on the contour—**4 acres, 1 unit (37½ cents per acre).**

The strips must consist of erosion-resisting crops, alternating with strips of other types of erosion-resisting crops or with erosion-permitting intertilled crops or two of such alternating strips of crops alternating with one strip of fallow, strips to be not less than ten feet nor more than 200 feet wide, and the strips of erosion-resisting crops to occupy at least 30 percent of the area of the field. For the purpose of this practice, sorghums, Sudan grass, and millet in rows or solid-seeded, and small-grain crops, shall be classified as erosion-resisting crops; cotton, corn, and other crops grown in rows (except sorghums, Sudan grass, and millet) shall be classified as erosion-permitting crops.

8. Protecting summer-fallowed acreage from wind and water erosion—**4 acres, 1 unit (37½ cents per acre).**

This applies to acreage from which no crop is harvested in 1940. Such acreage must be kept sufficiently free of vegetative cover so that available moisture is conserved, by either of the following methods:

- (a) Contour listing or pit cultivation to be done in the spring of 1940 not later than June 15, 1940, in accordance with the specifications of practice 10 or 12. This practice will apply in Andrews, Armstrong, Bailey, Briscoe, Carson, Castro, Cochran, Crosby, Dawson, Donley, Ector, Floyd, Gaines, Gray, Hale, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Ochiltree, Parmer, Potter, Randall, Roberts, Swisher, Terry, Wheeler, Winkler, and Yoakum counties.
- (b) Contour listing or pit cultivation, or otherwise incorporating the stubble and other trash into the soil not later than June 1, 1940 (where such practice is approved by the county committee as a good practice for the farm), in the following counties and in all counties lying west of the counties named, except those included in (a) above:

Clay, Jack, Palo Pinto, Erath, Hamilton, Lampasas, Burnet, Blanco, Kendall, Bandera, Medina, Atascosa, Live Oak, Jim Wells, and Kleberg.

Where fallow strips alternate with rows or strips of crops, the actual acreage of land in the fallow strips shall qualify in accordance with this practice 8, provided such fallow strips between rows or strips of crops are not less than 7 feet and not more than 200 feet wide, and that the fallow strips shall not occupy more than two-thirds of the total area of the land occupied by such rows or strips of crops and fallow; such width of fallow strips being measured from the outside of the 3½-foot strips which shall be considered to constitute a row. Fallow strips for which credit is given under this practice cannot be counted for credit under practice 7.

9. Contour farming intertilled crops—8 acres, 1 unit (18¾ cents per acre).

This practice consists of the planting and cultivation of row crops following the contour as determined by a farm level or surveyor's instrument, or following established terraces. If the land is not terraced, the rows must follow guide lines established at not to exceed twice the terrace interval specified in practice 1.

10. Contour listing of cropland in 1940—6 acres, 1 unit (25 cents per acre).

The furrows shall be made with a regular double moldboard lister or with a chisel of approved design, or other implement accomplishing the same results according to the specifications given herein.

(a) The furrows shall not be more than 4 feet nor less than 20 inches apart and shall, if listed, not be less than 8 inches wide and 4 inches deep, or if chiseled, not be less than 4 inches wide and 8 inches deep;

(b) The furrowing shall be done with the contour of the land, following guide lines established at not to exceed twice the terrace interval specified in practice 1, or following established terraces;

(c) The contours shall be maintained until final preparation of the land for a crop.

On slopes averaging greater than 3½ feet to each 100 feet the contour listing must be in combination with terracing. These specifications shall apply where contour listing is used in protecting summer fallow, except that such contour listing shall not qualify under this practice 10. Contour listing as a part of a seeding operation shall not qualify as a soil-building practice.

11. Seeding small-grain crops for harvest in 1940 on the contour—10 acres, 1 unit (15 cents per acre).

Seeding must follow guide lines established with a standard farm level or surveyor's instrument at not to exceed twice the terrace interval specified in practice 1, or following established terraces.

12. Pit cultivation of cropland—8 acres, 1 unit (18¾ cents per acre).

This must be done with an approved basin lister which will dam the lister furrows at regular intervals or with another implement accomplishing similar results. The furrows are not to be more than 4 feet nor less than 20 inches apart and not less than 4 inches deep and the pits or basins must occupy at least 25 percent of the land. On slopes greater than 2 percent, this practice will not qualify unless done on the contour following guide lines established at not to exceed twice the terrace interval specified in practice 1, or must follow established terraces. These same specifications shall apply where pit cultivation is used in protecting summer fallow, except that such practice shall not qualify under this practice 12. Pit cultivation on the contour will qualify under practice 10 if meeting other specifications of that practice. Pit cultivation as a part of a seeding operation shall not qualify as a soil-building practice.

13. Leveling of hummocks created by wind erosion where such practice has prior approval of the county committee—1 acre, 1 unit (\$1.50 per acre).

Applicable only on farms owned or controlled by a conservation district, an association organized for conservation purposes, or any governmental agency authorized by State law to own or lease land for conservation purposes.

SEEDINGS

14. Seeding adapted varieties of alfalfa on a properly prepared seedbed—**1 acre, 1 unit (\$1.50).**

15. Seeding permanent grasses or pasture mixtures—**1/2 acre, 1 unit (\$3.00 per acre).**

There must be a full seeding of Rhodes grass, Dallis grass, grama, or Bermuda grass. The kind of grass to be seeded or the mixtures of grasses or legumes and grasses where legumes are essential for the establishment of pastures must be approved by the county committee prior to the time of seeding. No credit will be given for this practice when carried out on depleted pasture land nor on land on which a permanent vegetative cover is being established in 1940 under practice 26, or has been established under previous agricultural conservation programs.

16. Seeding annual sweetclover, annual ryegrass, biennial or perennial grasses, or mixtures containing perennial grasses, perennial legumes or biennial legumes—**2 acres, 1 unit (75 cents per acre).**

These crops must be seeded on a suitable, well-prepared seedbed. Credit may be earned under this practice by seeding such grasses and legumes or mixtures on cropland or pasture land, except that credit will not be given for carrying out this practice in 1940 on land on which practice 26 is carried out. Credit will not be given under this practice for any other grasses or legumes qualifying at a higher rate of credit under any other practice or for timothy or redtop seeded alone or a mixture consisting solely of timothy and redtop.

17. Seeding winter legumes—**1 acre, 1 unit (\$1.50 per acre).**

These crops must be seeded on a suitable, well-prepared seedbed. On fields where it is known that there is a deficiency of lime, lime must be applied. Seedings must not be less than the following rates:

Vetch—15 to 20 pounds per acre

Australian winter peas—20 to 30 pounds per acre

Bur-clover (clean)—12 to 15 pounds per acre

Bur-clover (burs)—20 to 25 pounds per acre

These crops must be properly inoculated before planting.

18. Seeding lespedeza—**1 1/2 acres, 1 unit (\$1.00 per acre).**

The lespedeza must be seeded on a suitable, well-prepared seedbed at not less than 15 pounds per acre.

19. Establishment of a permanent vegetative cover by planting crowns of kudzu—**1/4 acre, 1 unit (\$6.00 per acre).**

A minimum of 500 crowns per acre must be planted before the start of growth in the spring, of which 60 percent or more must be growing at the time of checking performance.

SOIL IMPROVEMENT

20. Application of the following materials to, or with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, or permanent pasture, if such crops are not seeded or grown with soil-depleting crops.

(a) 240 pounds of 20 percent superphosphate or its equivalent—**1 unit (\$1.50).**

(b) 500 pounds of rock or colloidal phosphate—**1 unit (\$1.50).**

The material must be applied evenly over the area on which application is made. The crops to which the material is applied must not be seeded or grown with a soil-depleting crop. Winter legumes sown in row-crop middles are not considered as seeded or grown with a soil-depleting crop. In the case of lespedeza seeded alone, winter legumes, annual ryegrass, and crotalaria, application must be made at or before the time of seeding. In the case of lespedeza seeded with small grains, the material must not be applied before the grain crop is harvested. Rock phosphate must be ground sufficiently fine so that 80 percent will pass through a 100-mesh sieve.

21. Application of ground limestone—1,500 pounds, 1 unit (\$1.50).

The limestone must contain at least 90 percent calcium carbonate equivalent and shall be ground fine enough for 95 percent or more of it to pass through a 10-mesh sieve and 40 percent or more of it to pass through a 60-mesh sieve.

22. (a) Green manure and cover crops of non-legumes other than annual ryegrass, except in orchards or on commercial vegetable land—2 acres, 1 unit (75 cents per acre).

(b) Other green manure and cover crops including non-legumes in orchards or on commercial vegetable land—1 acre, 1 unit (\$1.50 per acre).

A good stand and a good growth of green manure or cover crops must be plowed or disked under if on land not subject to erosion. If on land subject to erosion, these crops must be left on the land, or summer-grown crops plowed or disked under must be followed by a winter cover crop. Green manure crops shall not include lespedeza, wheat, grain sorghums, peanuts hogged-off, any crop for which credit is given in 1940 under any other practice, or soybeans from which the seed is harvested by mechanical means.

Some of the crops that may qualify under (a) are: Sweet sorghums, Sudan grass, millets, and small grains (except wheat).

Some of the crops that may qualify under (b) are: Austrian winter peas, vetch, cowpeas, soybeans except where the seed is harvested by mechanical means, velvetbeans, clovers, annual ryegrass; and in orchards or on commercial vegetable land, sweet sorghums, Sudan grass, millets, and small grains (except wheat).

23. Summer legumes, excluding those classified as soil depleting, and excluding peanuts hogged-off, interplanted or grown in combination with soil-depleting crops—4 acres, 1 unit (37½ cents per acre).

A good stand and a good growth must be obtained and the vines not harvested or in the case of soybeans the seed removed by mechanical means. The summer legumes must occupy at least one-third of the land.

PASTURE IMPROVEMENT

24. Natural reseeding (restoration) of non-crop open pasture land by non-grazing (deferred grazing)—8 acres, 1 unit (18¾ cents per acre).

The deferred area must be kept free of livestock during the normal pasture season and must be mowed at least once during the non-grazing period, if recommended by the county committee. Heavy infestations of pricklypear must also be eradicated. For Zapata, Jim Hogg, Brooks, and Kenedy counties and all counties lying south of these counties, the non-grazing period shall be from April 15 to September 15. For Wichita, Archer, Throckmorton, Shackelford, Jones, Taylor, Nolan, Coke, Sterling, Reagan, Crockett, and Terrell counties and all counties east of these counties, except those listed above, such period shall be from May 1 to October 1. For all other counties in Texas, such period shall be from June 1 to November 1.

25. Renovation of perennial grasses or legumes or mixtures of these—
3 acres, 1 unit (50 cents per acre).

Mowing to control noxious plants provided at least 2 mowings are made during the growing season and the plants mowed are not used for hay or sold for any purpose.

26. Establishment of a permanent vegetative cover by planting sod pieces of Bermuda, buffalo, mesquite, Dallis, or carpet grass—
 $\frac{1}{3}$ acre, 1 unit (\$4.50 per acre).

The sodding must be done in a manner to provide a minimum of one sod piece for each 28 square feet of land in the field sodded. At least 75 percent of the grass sodded must be growing at the time of checking performance.

Permanent pasture mixtures of grasses and legumes specified by the county committee must be seeded in connection with the sodding if such grasses and legumes are needed in 1940 in the establishment of a permanent pasture and the committee determines that climatic and moisture conditions are such that the seeding of such legumes and grasses is practical.

27. Development of springs or seeps by excavation—**5 cubic feet of soil or gravel or 3 cubic feet of rock excavated, 1 unit (30 cents per cubic foot of soil or gravel and 50 cents per cubic foot of rock).** The spring or seep to be developed must be determined by the county committee to be an efficient means of preventing erosion and the destruction of grass by providing a better distribution of stock water on the farm.

Water storage of at least 20 cubic feet must be provided. The water source shall be protected from trampling. Payment will not be made for less than 65 cubic feet of soil or gravel or 39 cubic feet of rock formation excavated. Payment will not be made for more than 335 cubic feet of soil or gravel or 201 cubic feet of rock excavated.

FORESTRY

28. Planting forest trees (including shrubs in protective plantings)—
 $\frac{1}{5}$ acre, 1 unit (\$7.50 per acre).

In the Pine-Hardwood and Post Oak-Hardwood regions: (1) The planting of forest trees on old fields or areas from which practically all timber has been cut is recommended where there are insufficient seed trees present to naturally reseed the area to desirable species of forest trees; (2) when planting in plowed furrows the plowing should be done along contours. Preparation of site otherwise unnecessary, except where there is a heavy covering of brush which would seriously compete with or render unsuccessful any attempt to establish a stand of forest trees. In such cases, the brush should be grubbed from 2-foot square spots where each tree is to be planted; (3) spacing of planted trees. A semi-regular 6 x 8 foot spacing, or approximately 1,000 trees per acre for pines and an 8 x 8 foot spacing, or approximately 700 trees per acre for most hardwoods will give an adequate stand with a survival at the time performance is checked of 65 percent; (4) species recommended for planting.

(a) In the Pine-Hardwood region: Shortleaf, loblolly, longleaf, and slash pines, black locust, Osage-orange, white and red oak, mulberry, shagbark or white hickory, white ash, black walnut, magnolia, and sweetgum.

(b) In the Post Oak-Hardwood region; Post oak, honeylocust, cottonwood, black walnut, Osage-orange, and in some favorable locations, loblolly pine.

Maintaining a good stand by replanting will not qualify under this practice but may qualify under practice 29.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency and may qualify under this practice. No credit for reaching the goal shall be given for the planting and protection of forest trees planted under a cooperative agreement entered into in connection with the Prairie States Forestry Project.

29. Cultivating, protecting, and maintaining a good stand of forest trees planted between July 1, 1936, and January 1, 1940 (or before July 1, 1940, if under a cooperative agreement with a governmental agency)—**½ acre, 1 unit (\$3.00 per acre).**

In areas where cultivation is necessary, it should consist of sufficient number of cultivations during the open season to assure satisfactory growth. Each cultivation shall be in accordance with approved tillage methods as applied for row crops. Burning and harmful grazing must have been prevented. Maintaining, by replanting, if necessary, an adequate stand of forest trees with a minimum survival of 450 well-distributed trees per acre when planted as woodlots. For windbreak plantings, a minimum survival of 350 well-distributed trees per acre shall be considered adequate.

MISCELLANEOUS

30. Growing a home garden—**1 unit (\$1.50).**

Credit will be given for a home garden grown on the farm for each landlord, tenant, or sharecropper family on the farm.

A home garden shall consist of any acreage on the farm upon which vegetables are grown for home use, either for consumption fresh during the growing season, or for canning, drying, or storing.

The total area of all plots on the farm planted to vegetables for home use shall be counted in determining the size of the home garden which, for the purpose of this practice, shall not be less than one-half acre.

The garden planting shall consist of at least 10 different kinds of vegetables and the area devoted to any one vegetable shall not exceed one-third of the garden acreage. Each kind of vegetable shall be planted in sufficient quantity to supply the farm family with a well-balanced vegetable diet. The garden must be planted on a well-prepared seedbed and cultivated in accordance with good garden culture.

31. Protecting restoration land—**4 acres, 1 unit (37½ cents per acre).**

Credit will be given for land properly designated as restoration land in 1938 or 1939, on which the county committee finds that no soil-building practice is needed in 1940 for the establishment of a permanent vegetative cover.

Section 10. SOIL-DEPLETING ACREAGE

(a) **Soil-depleting acreage** means the acreage of land devoted during the 1940 crop year³ to one or more of the following crops or uses. Land from which a volunteer crop is harvested shall be classified as if the crop were planted.

- (1) Corn planted for any purpose, except roasting ear corn or popcorn grown in home gardens for use on the farm.
- (2) Grain sorghums planted for any purpose.
- (3) Cotton which reaches the stage of growth at which bolls are first formed.
- (4) Sugar beets planted for any purpose.
- (5) Sugarcane grown for any purpose.
- (6) Peanuts harvested for nuts or dug for hay.
- (7) Rice planted for any purpose.
- (8) Broomcorn planted for any purpose.
- (9) Mangels or cowbeets planted for any purpose.

³ Commercial vegetables harvested in November and December, 1939, in Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Jim Wells, Kennedy, Kleberg, McMullen, Starr, Willacy, and Zapata counties and those harvested in December 1940 in all other counties will be classified as commercial vegetables under the 1940 program.

(10) Potatoes planted for any purpose, except when grown in home gardens for use on the farm.

(11) Annual truck and vegetable crops planted for any purpose, except when grown in home gardens for use on the farm.

(12) Field beans planted for any purpose, except when used as green manure or grown in home gardens for use on the farm.

(13) Peas planted for canning, freezing, or dried peas, except when used as green manure or grown in home gardens for use on the farm.

(14) Wheat planted (or regarded as planted) for any purpose on a wheat allotment farm.

(15) Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops harvested for grain.

(16) Wheat on a non-wheat-allotment farm, oats, barley, rye, or mixtures of these crops (including designated mixtures containing wheat on any farm) harvested for hay, except (i) when such crops are used as nurse crops for legumes or perennial grasses which are seeded in a workmanlike manner and the nurse crop is cut for hay not later than the bloom stage, or (ii) when such crops are grown in a mixture containing at least 25 percent by weight of winter legumes.

(17) Buckwheat, Sudan grass, or millet harvested for grain or seed.

(18) Sweet sorghums when harvested for grain, seed, or sirup.

(19) Land summer-fallowed and not protected from wind and water erosion by contour listing, pit cultivation, stripcropping, border planting, or by other methods approved by the State committee.

(20) Flax planted for any purpose, except when matched acre for acre by biennial or perennial legumes or perennial grasses seeded alone in a workmanlike manner.

(21) Commercial bulbs and flowers and commercial castor beans harvested for any purpose.

(b) If one soil-depleting crop or land use is followed by another soil-depleting crop or land use on the same land, such land shall count only once in determining whether or not the total soil-depleting acreage allotment for the farm has been exceeded. It is necessary to take into consideration the meaning of "acreage planted to wheat" and "acreage planted to cotton" in determining the soil-depleting classification of the land. For example, if a given acreage is considered as planted to wheat in accordance with the definition of "acreage planted to wheat," such acreage shall be considered as having been planted to wheat as well as being soil depleting. If the wheat then fails and cotton is seeded on the same land and reaches the bolling stage, the land shall be considered as having been planted to cotton as well as to wheat but shall be counted as soil depleting only once in determining whether or not the total soil-depleting acreage allotment for the farm has been exceeded. In the above example, if, after reaching the bolling stage, the cotton fails and the same land is planted to a late general soil-depleting crop, such as grain sorghum, the classification of the land shall remain the same

as above, that is, all of the land shall be classified as planted to wheat, all of it as planted to cotton, and all of it as soil depleting.

(c) If more than one soil-depleting crop or land use occupies the land at the same time, the land shall be classified in accordance with the actual acreage occupied by each crop or land use, *except* that:

(1) If a soil-depleting crop (other than commercial vegetable) is grown in alternate rows or strips, or both, with cotton and the rows or strips of cotton are less than 7 feet apart, cotton shall be considered to occupy all of the land, provided, that if cotton and peanuts are the crops and the peanuts are harvested for nuts, cotton shall be considered to occupy all of the land, and in addition, each row of peanuts shall be considered to occupy a strip of land 2 feet in width.

(2) If commercial vegetables and another crop for which a special acreage allotment is established are grown on the same acreage, all of the land shall be considered as planted to the crop other than commercial vegetables for which the special acreage allotment is established; and in addition, all of the land shall be considered as planted to commercial vegetables if the commercial vegetables are planted in rows of less than twice the normal width for planting the crop alone. If the commercial vegetables are planted in rows at least twice the normal width for planting the crop alone, only half the land shall be considered as planted to commercial vegetables.

(d) Truck crops and vegetables that are entirely consumed on the farm are considered as having been produced in home gardens for use on the farm, and the acreage devoted to such crops is not classified as soil depleting. The entire acreage devoted to any truck crop or vegetable, a part of which is used for commercial purposes, is considered as soil depleting.

(e) If a soil-depleting crop is interplanted with, grown in combination with, or followed by, a crop not classified as soil depleting, the entire acreage of land shall be classified as soil depleting, with the following exceptions:

(1) Where strips of soil-depleting crops, alternating with strips of legumes or other crops not classified as soil depleting are 3 rows (10 feet) or more apart, the acreage occupied thereby is classified in accordance with the actual acreage occupied by such crops (the strips or rows not classified as soil depleting being measured from a point $1\frac{3}{4}$ feet from the outside of the strip of soil-depleting crop), provided, that if peanuts (whether or not soil depleting) are grown in alternate rows or strips, or both, with cotton and the rows or strips of cotton are 7 feet or more apart, the land shall be classified in accordance with the actual acreage occupied by each crop.

(2) Flax when followed by, planted with, or matched acre for acre by, biennial or perennial legumes or perennial grasses.

Section 11. DIVISION OF PAYMENTS AND DEDUCTIONS

A. Payments and Deductions for Acreage Allotments and Restoration Land. (1) The net payment or net deduction computed for any farm for special and general crops shall be divided among the

landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop grown on the farm in 1940, with the following exceptions:

(i) **Crop failure, etc.** If any such crop is not grown on the farm in 1940 or the acreage of such crop is substantially reduced by flood, hail, drought, or insects, the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the allotment for such crop had been planted and harvested in 1940.

(ii) **Underplanting cotton.** If for any reason the total acreage of cotton on the farm in 1940 is less than 80 percent of the cotton allotment and the acreage of cotton which is or would have been grown thereon by any tenant or sharecropper in 1940 is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally grow thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment or net deduction computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton allotment had been planted and harvested in 1940, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1940.

(iii) **Separately-owned tracts.** In cases where two or more separately-owned tracts of land comprise a farm, upon the written agreement of all persons who are entitled to receive a share of the proceeds of any such crop, the share of each such person in the net payment or net deduction computed for such crop on such farm shall be that share which fairly reflects the contribution of each such person to performance with respect to such crop and also results substantially in a division of such payment or deduction among landlords, tenants, and sharecroppers as classes, as each such class shares in the crop, or proceeds thereof, for which the payment or deduction is being made.

(2) The 15-cent payment computed for restoration land shall be made to the owner of the land as of June 30, unless the land is rented for cash, in which case the payment shall be made to the cash tenant as of June 30.

(3) In computing the net payments and net deductions for acreage allotments and general crops, the deduction for (a) failure to prevent wind and water erosion, (b) cropping restoration land, (c) breaking out of native sod, and (d) any net deduction computed for failure to reach the soil-building goal, shall be regarded as a deduction for general crops.

B. Soil-Building Practice Payments. The payment for carrying out soil-building practices on the farm shall be made to the landlord, tenant, or sharecropper who carried out the practices. If the county committee determines that more than one such person contributed to the carrying out of soil-building practices in 1940, the payment shall be divided in the proportion that the units contributed by each such person bears to the total units contributed by all such persons. All persons contributing to practices carried out on a particular acreage shall be deemed to have contributed equally, unless such persons prove to the county committee that their contributions were not in equal proportion, in which event such units shall be divided in the proportion which the county committee determines each such person contributed thereto. **The furnishing of the land on which a practice is**

carried out will in no case be considered as a contribution to the carrying out of such practice.

C. Proration of Net Deductions. If a net payment is computed for a farm as a whole, but a net deduction is computed for one or more of the persons interested therein, such net deductions shall be prorated among the persons for whom a net payment is computed in the proportion that the net payment for each such person bears to the sum of all such net payments. If a net deduction is computed for any farm as a whole, no payment will be made with respect to such farm and the amount of such net deduction shall be prorated among the persons on the farm in the proportion that the net deduction computed for any person bears to the sum of the net deductions computed for all persons on the farm.

Section 12. GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS

A. Increase in Small Payments. The total payment computed under sections 1 to 11 inclusive, for any person on any farm shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.
- (2) Any payment amounting to more than 71 cents but less than \$1 shall be increased by 40 percent.
- (3) Any payment amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99 -----	\$0. 40	\$32.00 to \$32.99 -----	\$10. 40
\$2.00 to \$2.99 -----	. 80	\$33.00 to \$33.99 -----	10. 60
\$3.00 to \$3.99 -----	1. 20	\$34.00 to \$34.99 -----	10. 80
\$4.00 to \$4.99 -----	1. 60	\$35.00 to \$35.99 -----	11. 00
\$5.00 to \$5.99 -----	2. 00	\$36.00 to \$36.99 -----	11. 20
\$6.00 to \$6.99 -----	2. 40	\$37.00 to \$37.99 -----	11. 40
\$7.00 to \$7.99 -----	2. 80	\$38.00 to \$38.99 -----	11. 60
\$8.00 to \$8.99 -----	3. 20	\$39.00 to \$39.99 -----	11. 80
\$9.00 to \$9.99 -----	3. 60	\$40.00 to \$40.99 -----	12. 00
\$10.00 to \$10.99 -----	4. 00	\$41.00 to \$41.99 -----	12. 10
\$11.00 to \$11.99 -----	4. 40	\$42.00 to \$42.99 -----	12. 20
\$12.00 to \$12.99 -----	4. 80	\$43.00 to \$43.99 -----	12. 30
\$13.00 to \$13.99 -----	5. 20	\$44.00 to \$44.99 -----	12. 40
\$14.00 to \$14.99 -----	5. 60	\$45.00 to \$45.99 -----	12. 50
\$15.00 to \$15.99 -----	6. 00	\$46.00 to \$46.99 -----	12. 60
\$16.00 to \$16.99 -----	6. 40	\$47.00 to \$47.99 -----	12. 70
\$17.00 to \$17.99 -----	6. 80	\$48.00 to \$48.99 -----	12. 80
\$18.00 to \$18.99 -----	7. 20	\$49.00 to \$49.99 -----	12. 90
\$19.00 to \$19.99 -----	7. 60	\$50.00 to \$50.99 -----	13. 00
\$20.00 to \$20.99 -----	8. 00	\$51.00 to \$51.99 -----	13. 10
\$21.00 to \$21.99 -----	8. 20	\$52.00 to \$52.99 -----	13. 20
\$22.00 to \$22.99 -----	8. 40	\$53.00 to \$53.99 -----	13. 30
\$23.00 to \$23.99 -----	8. 60	\$54.00 to \$54.99 -----	13. 40
\$24.00 to \$24.99 -----	8. 80	\$55.00 to \$55.99 -----	13. 50
\$25.00 to \$25.99 -----	9. 00	\$56.00 to \$56.99 -----	13. 60
\$26.00 to \$26.99 -----	9. 20	\$57.00 to \$57.99 -----	13. 70
\$27.00 to \$27.99 -----	9. 40	\$58.00 to \$58.99 -----	13. 80
\$28.00 to \$28.99 -----	9. 60	\$59.00 to \$59.99 -----	13. 90
\$29.00 to \$29.99 -----	9. 80	\$60.00 to \$185.99 -----	14. 00
\$30.00 to \$30.99 -----	10. 00	\$186.00 to \$199.99 -----	(1)
\$31.00 to \$31.99 -----	10. 20	\$200.00 and over -----	(2)

¹ Increase to \$200.00.

² No increase.

B. Payments Limited to \$10,000. The total of all payments made in connection with programs for 1940 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate, with respect to farms and ranching units located in Texas, shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate, with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico), shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

C. Deductions Incurred on Other Farms. (1) The net deduction computed for any landlord or tenant under sections 1 to 9, inclusive, shall be deducted from the share of the payment which would otherwise be made to him for performance on any other farms in the county.

(2) The net deduction computed for a landlord or tenant in a county shall be deducted from the payment computed for such person for performance on any other farms in the State, if the State committee finds that the crops grown and practices adopted on the farm for which such net deduction is computed substantially offset the contribution to the program made on such other farms.

D. Deduction for Association Expenses. There shall be deducted from the payments for any farm the pro rata share that the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

E. Payment Restricted to Effectuation of the Purposes of the Program. (1) All or any part of any payment which otherwise would be made to any person under the 1940 program may be withheld or required to be returned if (a) the county committee finds that he has used or has permitted, procured, or consented to the use of a marketing card contrary to the marketing quota regulations in effect for the 1939-40 marketing year, if erroneous yields result; (b) he has adopted any other practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous agricultural conservation programs; (c) by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized; or (d) on forest land or woodland owned or controlled by him, he has adopted any practice which the Director of the Southern Division finds is contrary to sound conservation practices.

(2) No payments, except those for carrying out restoration land measures and soil-building practices, shall be computed for any farm which is not operated in 1940.

(3) No payment will be made to any person with respect to any farm which such person owns or operates in any of the counties listed below, if the county committee finds that such person has been negligent and careless in his farming operations by failing to carry out approved wind-erosion-control measures on land under his control to the extent that any part of such land has become a wind-erosion hazard in 1940 to the community in which such farm is located. The counties are as follows:

Andrews, Armstrong, Bailey, Briscoe, Carson, Castro, Cochran, Crosby, Dawson, Donley, Ector, Floyd, Gaines, Gray, Hale, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Ochiltree, Parmer, Potter, Randall, Roberts, Swisher, Terry, Wheeler, Winkler, and Yoakum.

F. Payment Computed and Made Without Regard to Claims.

Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection H of this section and indebtedness to the United States subject to set-off orders issued by the Secretary) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

G. Changes in Leasing and Cropping Agreements, Reduction in Number of Tenants, and Other Devices. If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers that would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to him under the 1939 program, payments to the landlord or operator under the 1940 program shall not be greater than the amount that would have been paid to him if the arrangements had not been changed, if the county committee certifies that the change is not justified and disapproves the change.

If on any farm the number of sharecroppers or share tenants in 1940 is less than the average number on the farm during the years 1937 to 1939, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments shall not be greater than the amount that would otherwise be paid to him, if the county committee certifies that the reduction is not justified and disapproves the reduction.

If the State committee finds that any person who files an application for payment under the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person under the 1940 program.

H. Assignments. Any person who may be entitled to any payment in connection with the 1940 program may assign his interest in such

payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No assignment will be recognized unless it is made in writing on Form ACP-69, in accordance with instructions (ACP-70) issued by the AAA, and unless the assignment has priority, as determined under instructions issued by the AAA.

Nothing contained in this section shall be construed to give an assignee (the person to whom the assignment is made) a right to any payment other than that to which the assignor (the farmer making the assignment) is entitled. Neither the Secretary nor any disbursing agent shall be subject to any suit or liability, if payment is made to the farmer without regard to the existence of an assignment.

I. Excess Cotton Acreage. Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1940 shall file with such application a statement that he has not knowingly planted, or caused or permitted the planting of, cotton during 1940 on land in any farm in which he has an interest in excess of the cotton allotment for the farm for 1940, and that cotton was not planted in excess of such allotment by his authority or with his consent. Any person who knowingly plants, or causes or permits the planting of, cotton on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment on that farm or any other farm under the 1940 program.

(1) In cases where the planting (seeding) of cotton on the farm was completed after notice of the cotton allotment was mailed to the operator, and the acreage planted to cotton on the farm exceeds the cotton allotment determined for the farm, all producers entitled to share in the cotton crop, or its proceeds, will be considered to have knowingly overplanted the cotton allotment, provided, that any producer will not be considered to have knowingly overplanted the cotton allotment if—

(a) he proves that the excess acreage was planted because of a bona fide mistake as to the number of acres in the tract(s) planted to cotton; or

(b) he did not participate in the planting of the cotton (either by his own labor or by labor procured by him for that purpose), and proves that the excess acreage was planted without his knowledge and consent, or, if planted with his knowledge but without his consent, that he made every reasonable effort to prevent the planting of cotton in excess of the cotton allotment for the farm.

A notice of the cotton allotment mailed to the operator of the farm shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

(2) In any case where the planting of cotton on the farm was completed prior to the mailing of notice of the cotton allotment for the farm, the county committee shall determine that the farm was knowingly overplanted if it finds that:

(a) The number of acres planted to cotton on the farm exceeded the number of acres which the producer might reasonably have expected to be allotted to the farm, or

(b) where, through an error or an oversight, no notice was mailed, but the fact that cotton allotments had been determined was known to the producer and, without making a reasonable effort to ascertain the amount of the allotment for his farm, he planted a number of acres which exceeded the allotment for his farm.

Whenever, as provided above in this paragraph (2), the county committee determines that the overplanting was knowingly done, all producers entitled to share in the cotton crop, or its proceeds, will be considered to have knowingly overplanted the cotton allotment, provided, that any producer will not be considered to have knowingly overplanted the cotton allotment, if he did not participate in the planting of cotton (either by his own labor or by labor procured by him for that purpose), and proves that the excess acreage was planted without his knowledge and consent, or, if planted with his knowledge but without his consent, that he made every reasonable effort to prevent the planting of cotton in excess of the cotton allotment for the farm.

J. Use of Soil-Conserving Crops for Market. Payment will not be made with respect to any farm in the counties listed below, unless on such farm in 1940 an acreage of cropland or restoration land equal to the smaller of the following is withheld from the production of soil-depleting crops and from the production of soil-conserving crops for market:

(1) The amount by which the normal acreage of soil-depleting crops on the farm exceeds the total soil-depleting acreage allotment for such farm, or

(2) the amount by which the normal acreage of soil-depleting crops on the farm exceeds the acreage devoted to soil-depleting crops on such farm in 1940;

provided, that payment shall not be denied any farmer for using soil-conserving crops for market, if, on the farm in question—

(a) the increase above normal in the number of dairy cows does not exceed two cows, or

(b) the number of cows kept for the production of milk or the products thereof for market does not exceed the normal number of cows, or

(c) none of the soil-conserving crops to which such provisions are applicable is used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than ten percent of the milk, or products thereof, produced on the farm.

The counties designated are as follows: Anderson, Austin, Bell, Brazoria, Brown, Burleson, Caldwell, Clay, Dawson, Denton, Eastland, Erath, Fannin, Fayette, Fort Bend, Gonzales, Grayson, Grimes, Hale, Hamilton, Haskell, Henderson, Hill, Hood, Hopkins, Hunt, Johnson, Jones, Karnes, Lavaca, Limestone, Marion, Morris, Panola, Rains, Red River, Runnels, Smith, Taylor, Van Zandt, Walker, Waller, Washington, Wharton, and Willacy.

K. Materials Furnished to Carry Out Soil-Building Practices. If it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by

the AAA to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. If such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such materials to the AAA in any county, State, or other area. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and any balance of such deduction shall be prorated among the payments to other persons sharing in the payment for the farm on which such materials were used.

The producer to whom such materials are furnished shall agree that if the amount of the deduction for the materials exceeds the amount of the payment for the farm, the amount of such difference shall be repaid by him to the Secretary. The producer shall also agree that if the materials are used in a manner which is not in accord with the purposes for which such materials are furnished, the deduction for the materials misused shall be twice the regular rate of deduction in order to compensate the Government for damages because of such misuse, and he agrees also that any finding made in this connection by the county committee shall be final when approved by the State committee, subject to the right of appeal.

Section 13. APPLICATION FOR PAYMENT

A. Persons Eligible to File Applications. An application for payment for a farm may be made by any person who, under the provisions of section 11, shares in the payment which may be computed for any farm and (1) who at the time of harvest is entitled under a lease or operating agreement to share in the crops grown on the farm, or (2) who is owner or operator of such farm and participates thereon in 1940 in carrying out approved soil-building practices or in carrying out conservation measures designed to promote restoration of a permanent vegetative cover on restoration land, or (3) the owner or cash tenant of a farm as of June 30, 1940, on which restoration land is designated.

B. Time and Manner of Filing Application and Information Required. Payment will be made only upon application submitted through the county office on or before March 31, 1941. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required on any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment, if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

C. Application for Other Farms. If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in a county and makes application for payment on one of such farms, such person must submit an application for payment for all such farms which he operates or rents to other

persons. Upon request of the State committee, any person shall file with the committee such information as it may request regarding any other farm in the State from which he has the right to receive all or a portion of the crops, or proceeds thereof, or rents to another for cash.

Section 14. APPEALS

Any person may, within 15 days after notice is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination regarding any of the following matters respecting any farm in the operation of which he has an interest as landlord, tenant, or sharecropper: (a) Eligibility to file an application for payment; (b) any allotment or goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person in writing of its decision within 15 days after receipt of such written request for reconsideration. If such person is not satisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person in writing of its decision within 30 days after the receipt of the appeal. If such person is not satisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the Southern Division to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord, tenant or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing, if he appears when the hearing thereon is held.

Section 15. DEFINITIONS

For the purposes of the 1940 program—

(1) **Farm** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(a) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the AAA, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(b) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in

the county or administrative area, as the case may be, in which the major portion of the farm is located.

(2) **Person** means any individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(3) **Landlord or owner** means a person who owns land and rents such land to another person or operates such land.

(4) **Sharecropper** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(5) **Tenant** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of a crop produced thereon) or of the proceeds thereof, and is entitled under a written or oral lease or agreement to receive all or a share of a crop produced thereon or of the proceeds thereof, and in the case of rice also means a person furnishing water for a share of the rice.

(6) **Cropland** means farm land which in 1939 was tilled or was in regular rotation, excluding restoration land and any land which constitutes or will constitute, if such tillage is continued, a wind-erosion hazard to the community.

(7) **Commercial orchards and perennial vegetables** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, bush fruits, or perennial vegetables on the farm on January 1, 1940 (excluding non-bearing orchards and vineyards), from which the major portion of the production is normally sold.

(8) **Non-crop open pasture land** means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any shrubs or trees is such that the land could not be fairly considered as woodland.

(9) **Special crop allotments or special allotments** means cotton, wheat, vegetable, peanut, or rice acreage allotments.

(10) **Animal unit** means one cow, one horse, five sheep, five goats, two calves, two colts, or the equivalent thereof.

Section 16. AVAILABILITY OF FUNDS

The provisions of the 1940 program are necessarily subject to any legislation which Congress may enact. Payments and grants of aid will be made only from appropriations made by Congress for this purpose, and the amounts of the payments will be limited by the amount of the appropriation, the apportionment of the appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation in the program. As an adjustment for the extent of participation in the program, the rate of payment and deduction may be increased or decreased by as much as 10 percent.

Issued January 4, 1940, with the approval of the Administrator.

J. W. Ruggan

Director, Southern Division.